

IN THE SUPREME COURT OF THE STATE OF DELAWARE

AZURIX CORP.,	§
	§
Plaintiff Below-	§ No. 87, 2000
Appellant,	§
	§
v.	§ Court Below—Court of Chancery
	§ of the State of Delaware,
SYNAGRO TECHNOLOGIES,	§ in and for New Castle County
INC.,	§ C.A. No. 17509
	§
Defendant Below-	§
Appellee.	§

Submitted: February 29, 2000

Decided: March 6, 2000

Before **VEASEY**, Chief Justice, **WALSH**, and **HOLLAND**, Justices.

ORDER

This 6th day of March 2000, it appears to the Court that:

(1) The plaintiff-appellant, Azurix Corp., has petitioned this Court, pursuant to Supreme Court Rule 42, to appeal from an interlocutory order of the Court of Chancery dated February 3, 2000. The Court of Chancery's ruling stayed Azurix's lawsuit in Delaware in favor of a lawsuit filed contemporaneously by Synagro Technologies, Inc. in Texas.

(2) On February 25, 2000, the Court of Chancery refused to certify an interlocutory appeal to this Court.

(3) Applications for interlocutory review are addressed to the sound discretion of this Court and are granted only in extraordinary cases.

(4) In the exercise of its discretion, this Court has concluded that the application for interlocutory review does not meet the requirements of Supreme Court Rule 42(b) and should be refused.

NOW, THEREFORE, IT IS HEREBY ORDERED that the within interlocutory appeal is REFUSED.

BY THE COURT:

s/Joseph T. Walsh
Justice